



Off Road MONTANA

**A SUMMARY OF OHV LAWS AND REGULATIONS
WITH TIPS FOR RESPONSIBLE OFF-HIGHWAY VEHICLE RECREATION**



**Montana Fish,
Wildlife & Parks**



PRE-RIDE CHECKLIST

- ☐ **NOTIFY SOMEONE OF WHERE YOU INTEND TO RIDE AND WHAT TIME YOU WILL RETURN. NEVER RIDE ALONE.**
- ☐ **CHECK THAT YOUR OHV IS IN PROPER WORKING CONDITION, ALL FLUIDS ARE TOPPED OFF, AND THERE ARE NO LOOSE OR BROKEN PARTS, YOUR SPARK ARRESTOR IS IN GOOD CONDITION AND HAS NOT BEEN MODIFIED.**
- ☐ **CARRY BASIC TOOLS AND SURVIVAL GEAR, INCLUDING PLENTY OF DRINKING WATER.**
- ☐ **MAKE SURE YOU HAVE PROPER RIDING GEAR FOR THE ROUTE PLANNED, INCLUDING AT THE VERY LEAST A HELMET, STURDY OVER-THE-ANKLE BOOTS, GLOVES, AND EYE PROTECTION.**
- ☐ **IF RIDING IN AN UNFAMILIAR AREA, MAKE SURE YOU HAVE CHECKED WITH THE MANAGING OWNER OR AGENCY TO VERIFY THE AREA IS OPEN FOR OHV USE, AND YOU HAVE A CURRENT TRAVEL PLAN MAP.**
- ☐ **MAKE SURE YOUR OHV IS CLEAN AND FREE OF WEED SEEDS.**
- ☐ **BE SOBER AND MENTALLY AND PHYSICALLY PREPARED FOR YOUR RIDE.**

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Dear OHV Enthusiast,

More OHV's (Off-Highway Vehicles) are being sold today than ever before. Whether you purchased your OHV for trail riding, working on the farm or ranch, or for hunting or fishing, it is important to be aware of the various regulations and laws that apply to your OHV and you. It is also critical that you as an OHV user do your part to preserve OHV riding opportunities by minimizing your impact on the land, wildlife, and other users. The guidelines contained in this booklet will serve as a handy reference as you enjoy your OHV responsibly in Montana!

What is an off-highway vehicle?

An off-highway vehicle (OHV) is a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers or streams.

Examples include but are not limited to: motorcycles, quadricycles (also known as ATV's), dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Not included in the legal definition of off-highway vehicles are: snowmobiles; vehicles designed primarily for travel on, over or in the water; and vehicles except motorcycles and quadricycles which are otherwise licensed under Montana laws (such as sport utility vehicles and 4x4 trucks).

Cross-country travel is prohibited unless specifically designated as open by the managing agency or landowner. Contact the appropriate land manager for details. *(See contact info on page 16)*

OHV Laws

Montana's off-highway vehicle laws detail the operators responsibilities, the use of public roads, and required fees and decals. Most OHVs are required to purchase and display an OHV decal and are subject to a fee in lieu of tax. Generally, OHVs are not allowed on streets or roads unless they also have a license plate (see Public Roads). These requirements and the exemptions are outlined in this booklet.

Operator Responsibilities

An OHV operator accepts all legal responsibility for injury or damage of any kind to the extent that the injury or damage results from risks inherent in the sport of off-highway vehicle use. Operators must

regulate their personal conduct at all times so that injury to self or other persons or property is avoided.

Risks inherent in the sport include variations in terrain, surface or subsurface conditions, crevices, ravines, streams, poor visibility, rocks, trees, other forms of forest growth or debris, and any other natural hazard.

The OHV operator is responsible for:

- Considering slope and trail conditions when judging his or her ability to navigate a particular route
- maintaining control of speed and course at all times while operating the vehicle.
- heeding all posted warnings.
- refraining from acting in a manner that may cause or contribute to the injury of anyone.

Public Roads

An off-highway vehicle may not be operated on or across a highway that is part of the interstate system. An OHV may make a direct crossing of other public roads when the crossing is necessary to get to another authorized area of operation. The crossing must be made at an angle of approximately 90 degrees to the direction of traffic (in other words, in as straight a line as possible across the roadway). The crossing must be made at a place where no obstruction prevents a quick and safe crossing. The OHV must make a complete stop before entering upon any part of the roadway, and the operator shall yield the right-of-way to all oncoming traffic.

Some Forest Service roads are open for use by OHV's. On these roads, children ages 12 - 16 must possess a Safety Certificate and be accompanied by a licensed operator. Contact the appropriate land management agency for information.

Required Fees, Decals and Registrations

Fee In Lieu of Tax

There is a one-time fee in lieu of tax on off-highway vehicles for the period a person owns a particular OHV. This fee is paid to the county treasurer of the county in which the owner resides. The fee in calendar year 2004 is \$20 and \$40 in each subsequent year. Whenever a transfer of ownership of an OHV occurs, the one-time fee in lieu of tax must be paid by the new owner.

Vehicle Registration (61-3-321, MCA)

Additionally, there is a one-time vehicle registration fee of \$19.25 for the period a person owns that OHV that is also paid to the county treasurer of the county in which the OHV owner resides.

Whenever a transfer of ownership of an OHV occurs, the one-time registration fee must be paid by the new owner.

OHV Registration Fee (23-2-817, MCA)

Each off-highway vehicle is also subject to a one-time registration fee of \$2 for the period a person owns that OHV. That fee is also paid to the county treasurer in which the OHV owner resides.

OHV Decal

An off-highway vehicle may not be operated by a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal as visual proof that the fee in lieu of tax and registration fee have been paid. A decal is provided by the county treasurer at the time the OHV is registered and fee in lieu of taxes are paid.

Failure to display a valid decal is a misdemeanor punishable by a fine of \$50. If the decal is lost or becomes illegible, the person to whom it was sold shall immediately apply for and obtain a duplicate decal upon payment of \$5 to the county treasurer.

Nonresident Temporary-Use Permits

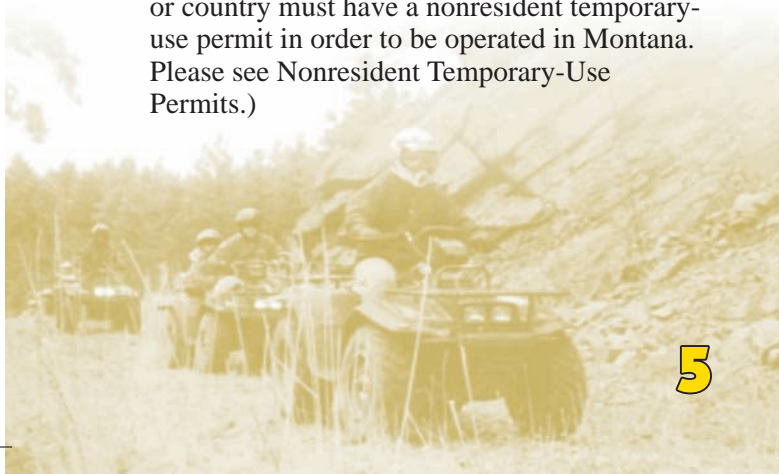
An off-highway vehicle owned by a nonresident and NOT registered in another state or country may not be operated in Montana unless a nonresident temporary-use permit is obtained. A nonresident OHV temporary-use sticker will be issued upon submission of a valid application and a \$5 fee to any Montana Fish, Wildlife and Parks office. The sticker can be obtained by mail through the Helena office, or through the Montana Fish, Wildlife & Parks website at <http://www.fwp.state.mt.us/>

The sticker is the temporary-use permit, and it must be displayed in a conspicuous manner on the vehicle. It is valid for the calendar year designated on the permit. The permit is not proof of ownership, and a certificate of ownership may not be issued. Failure to display the permit or making false statements in obtaining this permit is a misdemeanor and is punishable by a fine of not less than \$25 or more than \$100.

Exemptions

The fee and decal requirements specified in this booklet do not apply to the following:

- an OHV owned and used by the United States or another state, or an agency or political subdivision thereof
- an OHV properly registered either in a country other than the United States or in another state and used within Montana for not more than 30 days (Note: off-highway vehicles owned by nonresidents and not registered in another state or country must have a nonresident temporary-use permit in order to be operated in Montana. Please see Nonresident Temporary-Use Permits.)



How are OHV Fees Used?

The fee in lieu of tax is distributed in the same manner as personal property taxes within the county of residence, except \$1 of the fee goes to the Department of Agriculture for deposit in the noxious weed management trust fund.

The registration fee goes to the general fund.

Vehicle registration fees for OHV's go to the state general fund and then distributed to Fish, Wildlife and Parks. Forty percent of that account money is used to enforce off-highway vehicle laws, and the remaining money is put into the off-highway vehicle special revenue fund.

State gasoline taxes collected attributable to OHV's are also credited to the OHV special revenue fund. The Montana Legislature appropriates 1/8 of 1% of the state gas tax to the OHV special revenue fund.

Money from the special fund is used only to develop and maintain facilities open to the general public at no admission cost, to repair areas that are damaged by off-highway vehicles, and to promote off-highway vehicle safety. Ten percent of the gas tax money deposited in the account must be used to promote OHV safety (see Safety Education). Up to 10 percent may be used to repair damaged areas. ***The Trail Grant Program*** which helps to maintain and improve off-highway trails is funded from this account (see Trail Grant section).



OHV Riding Areas

There's no doubt that Montana is blessed with an abundance of beautiful, open public spaces. OHV riding areas and trails are available on many of these lands, the majority which are on federal public land.

Riders should contact the appropriate agency for the area in which they wish to ride. Those agencies are listed at the end of this publication.

Private riding areas, OHV parks and guided tour operators are springing up throughout the state. Such riding opportunities serve to diversify and enhance the OHV riding experience.

Check with local Chambers of Commerce, Visitor's Bureaus or with Travel Montana (www.visitmt.com) for information on private riding areas or guided tours.

Remember, always ask landowner permission **FIRST** if you want to operate your OHV on private lands. Respect landowner rights and requests. Remember to thank the landowner. Be certain to leave gates as you found them and avoid interfering with livestock and crops.



OHV Safety

The nature of off-highway vehicle riding makes it essential that riders wear protective clothing. A helmet is the single most important piece of protection that can be worn. Other items which should be worn are: goggles or a bubble visor shield; a good pair of gloves; a pair of strong, over-the-ankle boots with heels; a long-sleeved shirt or jacket; and long pants. In winter, more layers are appropriate and snowmobile suits are ideal for OHV riding, but NEVER wear a loose scarf when riding an OHV. Special riding gear such as chest protectors, pants with knee pads and shin guards, and jackets with special padding can provide additional protection.

Safety Education

The off-highway vehicle safety education program is coordinated by Montana Fish, Wildlife and Parks. The class is for persons with little or no previous riding experience and is based on curriculum developed by the Motorcycle Safety Foundation and the ATV Safety Institute.

Students gain hands-on experience in the mechanics of trail riding in a controlled environment. Topics include straight-line riding, turning, shifting, stopping, crossing obstacles and negotiating hills.

Junior classes, for children ages 7 to 11, are taught as two half-day courses with a maximum of four children in each class. Senior classes are available for persons 12 and older. They are conducted as a full-day class with a maximum of eight students.

For a brochure with more details or for information on scheduled classes, contact Montana Fish, Wildlife and Parks at 406-444-4585, or contact the Motorcycle Safety Foundation ‘Dirt Bike School’ at (877) 288-7093, or the ATV Safety Institute at (800) 887-2887 or on the web at www.atvsafety.org.

OHV Ethics

Some impact from off-highway vehicles is unavoidable, but here are some tips to keep the sport respected. Remember that other recreationists judge all riders by the conduct of any rider encountered, so leave a good impression. If you observe another rider violating rules or laws, ask them to comply. If they don't, report them to the appropriate authorities so that you protect your right to ride.

Noise

Travel quietly for everyone's sake. Noise bothers others on the trail and can create tensions between different users. Never modify the exhaust system to create more noise, and do not remove the spark arrester. A spark arrester is required on public land, and it does not reduce power. Noise doesn't equal horsepower, and not enough exhaust back-pressure could mean less power. It can even cause engine damage.

Stay on Designated Routes

Next to noise, off-route travel is probably the most critical aspect of an OHV's impact on other trail users and the environment. Off-route travel can cause damage to sensitive areas, vegetation, soils, and habitat. Non-motorized recreationists are particularly sensitive to damage caused by off-route travel...so stay on the trail!

Wildlife

Minimize impacts on wildlife by staying on designated routes or in special use areas. Off-route riding can destroy animal burrows and kill vegetation used for food. Avoid running over young trees, shrubs and grasses. Be especially sensitive to animals rearing young or suffering from food shortages. Stress can quickly use up their vital energy reserves. Keeping your engine quiet may mean keeping a frightened animal from jumping into your path.

Boundaries and Closures

Wilderness areas and other sensitive areas are closed to OHV use. Know where the boundaries are and respect them. Honor seasonal closings which let animals reproduce undisturbed; it means more creatures to watch and enjoy later.

Soils and Wetlands

Stay off soft, wet roads and trails which would be readily torn up by vehicles. Travel around meadows, steep hillsides and lakeshores that are easily scarred by churning wheels. Resist the urge to pioneer a new trail or cut across a switchback. Check topographical maps to identify wetlands or ask the local land management agency. Wetlands preservation is now a national priority and these areas should be bypassed altogether.

Streams

Streams and their banks are exceptionally fragile. If there is no bridge, take extra precaution when fording a stream. Use designated stream crossings to avoid harming fish by stirring up silt. Go directly from an established route to the route on the opposite bank. Avoid spinning tires or losing control.

Campgrounds

Enter and leave a campground by pushing the machine, or ride directly to and from your campsite only. Keep RPM low when near a campground. Practice minimal impact camping when in the back country.

Hikers

In hiking areas, ride with a minimum of disturbance. The public must be willing to share certain trails, so it is important to keep a positive and cooperative approach with all recreationists. Remember, one little blip of the throttle can leave a shower of gravel or a cloud of dust (and an enemy) behind you.

Horses

Horses have the right of way on a trail and are bothered most by excessive noise. Pull off on the downhill side of the trail, stop, and turn off your engine. The horse needs to recognize you as a human, so take off your helmet and say hello to the rider in a normal, calm voice. To pass horses that have pulled off the trail, go only when the lead rider gives you a signal to do so. A horse is more skittish about unfamiliar things approaching from the rear than from the front, so it helps to greet riders from a good distance to allow them to prepare their horses for an encounter.

Mountain Bikes

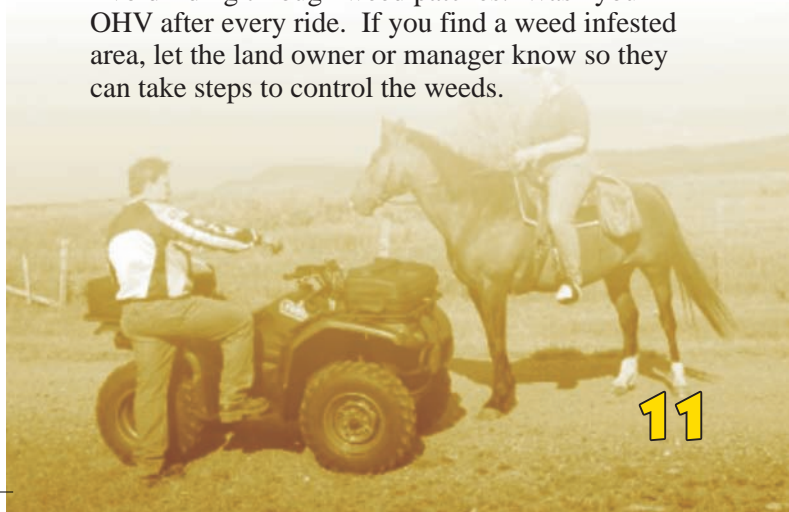
Mountain bikers usually hear OHVs approaching and yield the trail. However, when overtaking a bicyclist, ensure that they are aware of your presence before attempting to pass. With limited sight lines and in heavy vegetation, OHV users should approach turns with caution because mountain bikes are quiet and can travel at high speeds.

Litter

Carry out everything carried in and remind others to do the same.

Weeds

OHV riders can help prevent the further spread of noxious weeds. Learn to recognize weeds such as leafy spurge, knapweed, and dalmation toadflax. Avoid riding through weed patches. Wash your OHV after every ride. If you find a weed infested area, let the land owner or manager know so they can take steps to control the weeds.



HUNTING AND ATVS

Interesting Facts

- In the last decade, All-Terrain Vehicle (ATV) numbers have increased three-fold.
- Studies show that the harvest of bull elk increases with increased hunter access. Eventually this can lead to reduced hunter opportunities.
- Elk use and numbers decline in areas adjacent to roads open to motorized vehicles.
- Slow moving vehicles on primitive roads and trails disturb elk more than fast moving vehicles on highways.
- As vehicle access increases, the quality and amount of elk habitat are degraded. An open road density of three linear miles of road per square mile of land seriously reduces the value of that area for elk. An open road density of six linear miles per square mile can reduce elk use to near zero.
- Hunter check station information shows that hunters using ATVs are often less successful than other hunters.

Hunting-specific tips to reduce the impact of OHV's during hunting season...

KNOW the VEHICLE USE REGULATIONS for the area you are hunting

Contact the land managing agency responsible for the area. Respect road, trail and area closures.

STAY ON LEGAL ROADS AND TRAILS

It is the law. Do not contribute to resource damage and habitat destruction by creating new, unauthorized paths for others to follow. User-created travel ways are often poorly located within riparian zones or on steep slopes creating vegetation and soil impacts.

ACCESS YOUR AREA BEFORE SHOOTING HOURS

Hunt on foot to increase your chances of success and cause less disturbance to other hunters.

RETRIEVE HARVESTED BIG GAME FROM THE NEAREST DESIGNATED ROAD OR TRAIL

And during the middle of the day to reduce conflicts with other hunters.

RESPECT OTHER HUNTERS AND RECREATIONISTS

Slow down or stop your ATV when you approach others on the trail. When meeting equestrians, approach slowly, pull over and stop, turn off your engine, remove your helmet and ask how to best proceed.

REDUCE EMISSIONS and SOUND

Keep your ATV properly tuned and muffled.

CALL TIP-MONT : 1-800-847-6668

Resource violations are serious crimes and you can help stop them. Be an outdoor observer and report violations by making the call. Violations include, among others, hunting out of season, trespassing on private land or closed areas and routes, riding cross-country, exceeding bag limits and vandalism. Report information such as violation, location, vehicle license or registration number, make, color, model, name/description of violator.

Grant Programs For OHV Trails

The Parks Division of Montana Fish, Wildlife and Parks administers two programs which provide grant money for the rehabilitation and maintenance of OHV trails and riding areas. Organizations such as trail-user groups, OHV associations or clubs, government agencies working with OHV clubs, and community organizations may sponsor a project and apply for available funds. A brief description of each program is provided below. Detailed information and applications are available on the web at www.fwp.state.mt.us/parks/grants.asp or by contacting:

Trails Program Coordinator, Parks Division
Montana Fish, Wildlife and Parks
1420 E. 6th Ave.
Helena, MT 59620
406-444-4585

Montana OHV Grant Program

Funding for this program is provided through OHV registration fees and 1/8 of 1% of state gas taxes. Grants are awarded annually by Fish, Wildlife & Parks with advise from the OHV Advisory Committee.

Priorities for trail improvements include:

- trail rehabilitation
- soil stabilization measures to prevent or diminish erosion
- trail layout to reduce erosion and provide a safe riding experience
- trail signing to provide information on the route, natural resources, history or rider
- ethics
- measures to reduce or eliminate resource impacts
- multiple-use benefits

On federal lands, trails must comply with the National Environmental Policy Act and the Montana Environmental Policy Act (MEPA) and applicable Forest Service or BLM plans. On state or private lands not covered by a federal agency plan, trail or riding areas must satisfy MEPA.

Recreational Trails Program Grants

Federal funds to enhance, develop and maintain trails come through the Recreational Trails Program (RTP). The program provides that each year 30% of the money available for use in Montana be earmarked for motorized trails, 30% for non-motorized trails, and 40% be reserved for multiple-use trails.

Funds can be used for trail rehabilitation, mitigation, for OHV projects, maintenance and acquisition (easement and lease take priority over fee title acquisition). Cooperative statements from land owners or land management agencies for affected properties and compliance with existing laws, regulations, policies and ordinances is required.

RTP is an 80%/20% reimbursement program. This means that, for approved projects, 20% of the cost of the project must be provided from local funds, volunteer labor, and donated materials.

Get Involved!

OHV clubs and user groups can participate in the process by adopting trails, proposing trail projects, volunteering labor, and applying for grant funds for trail projects. To find out more, contact the Montana Trail Vehicle Riders Association at (406)454-9190 or Montana Fish, Wildlife & Parks at (406) 444-4585.

OHV Contacts

Contacts for information on off-highway vehicle trails and riding areas, clubs, support organizations, use and regulations:

Montana Trail Vehicle Riders Association

P.O. Box 2884
Great Falls, MT 59403
(406)454-9190

National Off-Highway Vehicle Conservation Council

1020 Superior Ave.
Sheboygan, WI 53081-3362
(800) 348-6487

Bureau of Land Management

5001 Southgate Drive
P.O. Box 36800
Billings, MT 59107-6800
(406) 896-5000

USDA Forest Service

Northern Region
200 East Broadway
P.O. Box 7669
Missoula, MT 59807
(406) 329-3511

ATV Safety Institute & Motorcycle Safety Foundation

2 Jenner Street Suite 150
Irvine, CA 92618
(714) 727-3727

American Motorcyclist Association

(614) 891-2429

Fish, Wildlife & Parks

State Trails Program Coordinator
(406) 444-7317

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Upon request, this publication will be made available in an alternative accessible format.

This document was produced in cooperation with the
Montana Trail Vehicle Riders Association.



MONTANA FISH, WILDLIFE & PARKS REGION & AREA OFFICES

Region One

490 North Meridian Road
Kalispell, MT 59901
(406) 752-5501

Region Two

3201 Spurgin Road
Missoula, MT 59804
(406) 542-5500

Region Three

1400 South 19th Avenue
Bozeman, MT 59715
(406) 994-4042

Region Four

4600 Giant Springs Road
Great Falls, MT 59406
(406) 454-5840

Region Five

2300 Lake Elmo Drive
Billings, MT 59105
(406) 247-2940

Region Six

Rural Route 1-4210
Glasgow, MT 59230
(406) 228-3700

Region Seven

P.O. Box 1630
Miles City, MT 59301
(406) 234-0900

Butte Area Resource Office

1820 Meadowlark Lane
Butte, MT 59701
(406) 494-1953

Havre Area Resource Office

2165 Hwy 2 East
Havre, MT 59501
(406) 265-6177

Helena Area Resource Office

930 Custer Avenue
Helena, MT 59620
(406) 495-3260

Lewistown Area Resource Office

2358 Airport Road
P.O. Box 938
Lewistown, MT
(406) 538-4658

State Headquarters

P.O. Box 200701
1420 East Sixth Avenue
Helena, MT 59620
(406) 444-2535

ON THE RIGHT TRAIL

- ✓ **BE COURTEOUS TO OTHERS**
- ✓ **KEEP NOISE DOWN**
- ✓ **PACK OUT YOUR TRASH**
- ✓ **RESPECT WILDLIFE**
- ✓ **DON'T SPREAD WEEDS**
- ✓ **AVOID WETLANDS**
- ✓ **STAY ON DESIGNATED ROUTES**
- ✓ **RESPECT PRIVATE LANDS**
- ✓ **REGISTER YOUR OHV**
- ✓ **TREAD LIGHTLY**

The information contained in this publication is intended as a summary of Montana OHV laws and regulations, along with safety and environmental tips. Contact Fish, Wildlife & Parks for more detailed information.



**Montana Fish,
Wildlife & Parks**